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Attorney for Jeremy W. Faith, Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
NORTHERN DIVISION**

In re

Case No. 9:18-bk-11889-DS

Chapter: 7

CHARLES L. DUFF,

Debtor.

**DECLARATION OF STAN TABLER OF
COMPASS CALIFORNIA IN SUPPORT OF
CHAPTER 7 TRUSTEE'S MOTION FOR
ENTRY OF ORDER: (1) AUTHORIZING THE
SALE OF REAL PROPERTY LOCATED AT
2690 GIBRALTAR ROAD, SANTA BARBARA,
CA 93105, FREE AND CLEAR OF LIENS AND
INTERESTS; (2) APPROVING OVERBID
PROCEDURES; (3) APPROVING
PURCHASER, SUCCESSFUL BIDDER, AND
BACK-UP BIDDER AS GOOD FAITH
PURCHASERS; (4) AUTHORIZING PAYMENT
OF UNDISPUTED LIENS, REAL ESTATE
BROKER'S COMMISSION, AND ORDINARY
COSTS OF SALE; AND (5) WAIVING THE 14
DAY STAY**

Hearing:

Date: December 6, 2022

Time: 11:30 a.m.

Place: Courtroom 201

1415 State Street

Santa Barbara, CA 93101

DECLARATION OF STAN TABLER

I, Stan Tabler, declare as follows:

1. I am a real estate agent duly licensed in the State of California and employed with Compass California ("Compass") who along with my co-listing agent William Friedman ("Mr. Friedman") of Coldwell Banker Residential Brokerage ("Coldwell," together with Compass, the "Broker"), are employed as the broker for Jeremy W. Faith, Chapter 7 trustee (the "Trustee") for the bankruptcy estate (the "Estate") of Charles L. Duff ("Debtor").

2. I have personal knowledge of the facts stated herein, except where stated upon information and belief, and as to such statements, I believe them to be true.

3. This declaration is submitted in support of the *Trustee's motion for an order: (1) authorizing the sale of the Estate's right, title, and interest in real property, free and clear of all liens, claims, and interests pursuant to 11 U.S.C. § 363(b) and (f); (2) approving the overbidding procedures set forth in this motion; (3) finding that the purchaser, and if applicable, the successful overbidder, and back-up bidder are good faith purchasers pursuant to 11 U.S.C. § 363(m); (4) authorizing the payment of undisputed liens, the real estate broker's commission, and ordinary costs of sale; and (5) waiving the 14-day stay prescribed by F.R.B.P. 6004(h) and 6006(d)* (the "Motion"). All terms not otherwise defined herein are used as they are defined in the Motion.

4. The Broker is employed in this bankruptcy case to assist the Trustee with the marketing and sale of the real properties at 2690 Gibraltar Road, Santa Barbara, CA 93105 ("2690 Property") and 2835 Gibraltar Road, Santa Barbara, CA 93105 ("2835 Property", collectively with the 2690 Property, the "Santa Barbara Properties").

5. I have a California real estate license which permits me to sell real property in the State of California. Since 1980 I have had extensive experience dealing with the marketing and sale of residential real property, such as the Santa Barbara Properties, within multiple areas, including Santa Barbara County, in which the Santa

1 Barbara Properties are located, and have experience dealing with the sale of real
2 property in the context of bankruptcy cases, auctions and distressed sales.

3 6. The Trustee contacted me to assist the Trustee in selling the Santa
4 Barbara Properties. I inspected the Santa Barbara Properties and informed the Trustee
5 that the 2690 Property had a market value of \$2,010,000 and the 2835 Property had a
6 market value of \$3,100,000. My valuation was based on comparable sales and the
7 Santa Barbara Properties' condition as of the initial inspections by myself and
8 consultation with my co-listing agent Mr. Friedman.

9 7. The Santa Barbara Properties have been continuously on the market
10 since September 9, 2003, just over nineteen (19) years, with at least twenty (20) different
11 brokerage companies. In light of the extensive marketing history of the Santa Barbra
12 Properties, as an initial step, I worked with my co-listing agent Mr. Friedman and the
13 Trustee's counsel Meghann A. Triplett to obtain additional information from the Debtor's
14 former real estate agent Pehr Black of EXP Realty, regarding the Debtor's marketing
15 efforts and the contact information for potential buyers who had expressed interest
16 and/or had previously written offers for the Santa Barbara Properties during the
17 pendency of the Chapter 11.

18 8. Thereafter, Mr. Friedman and I contacted each of these prospective
19 buyers to inquire if they had any renewed interest in purchasing the Santa Barbara
20 Properties and received three new offers for the 2690 Property. These offers ranged
21 from \$1,800,000 to \$2,100,000. In response, the Trustee issued three counteroffers to
22 solicit each of the potential buyer's highest and best offer for the 2690 Property. The
23 Trustee originally accepted an offer of \$2,000,000 for the 2690 Property. However, the
24 prospective buyer withdrew prior to the expiration of the contingency period and the sale
25 did not materialize.

26 9. On September 29, 2022, the Trustee caused to be filed an application to
27 employ myself of Compass California and Mr. Friedman of Coldwell Banker Realty as his
28 real estate broker (the "Broker") and enter into *Exclusive Listing Agreement* effective

1 August 30, 2022 to market and sell the Santa Barbara Properties (the “Broker
2 Application,” Dkt. No. 313). On October 18, 2022, the court entered an order approving
3 the Broker’s employment on the terms and conditions set forth in the Broker Application
4 pursuant to 11 U.S.C. §§ 327 and 328 (Dkt. No. 320).

5 10. The 2690 Property has been on the Multiple Listing Service (“MLS”) since
6 September 10, 2022 for a list price of \$2,100,000. The MLS listing includes multiple HD
7 photos of the interior and exterior of the 2690 Property as well as floorplan details, and
8 created a virtual tour video.

9 11. Since the 2690 Property went live on the MLS, the Broker has
10 consistently advertised the 2690 Property on the MLS, the online and syndicated sites of
11 Compass California and Coldwell Banker’s respective listing agent sites, as well as
12 Homesnap; Homes.com; ListHub; Realtor.com; Redfin.com; Zillow.com and has held
13 multiple showings, fielded numerous inquiries regarding the 2690 Property in addition to
14 actively reaching out to parties who had previously expressed interest in purchasing the
15 2690 Property. The Broker also completed an online/digital campaign which includes
16 social media exposure on Facebook and Instagram and sponsored advertising as well
17 as a full-page ad in the local Santa Barbara Independent newspaper.

18 12. The Broker’s efforts resulted in three new interested buyers who wrote
19 offers to the Trustee, two of which were non-contingent offers. These efforts ultimately
20 resulted in the current offer from the Gary R. L’Hommedieu and Caitlin K. L’Hommedieu
21 Trust (“Purchaser”) in the amount of \$2,395,000, which is being submitted for the Court’s
22 approval subject to overbidding at the hearing.


23 13. The current offer from the Purchaser is the highest and best offer
24 received by the Trustee.

25 14. The sale is an arm’s length transaction. I am unaware of any connection
26 between myself and the Purchaser except through this sale. There are no undisclosed
27 side deals or terms.
28

1 15. Following entry of the order approving the Broker's employment in the
2 Bankruptcy Case, the Broker agreed to reduce its commission to an aggregate of four
3 and one-half (4.5%) of the total sales price of each of the Santa Barbara Properties and
4 updated the MLS to reflect the reduction (the "Commission Reduction"). A copy of the
5 escrow instruction providing for the Commission Reduction of the 2690 Property is
6 attached as **Exhibit 3** to the Motion. To achieve the Commission Reduction for the 2690
7 Property, it was agreed that the Purchaser's Broker reduce his commission to 2.4% and
8 the Trustee's Broker reduce their portion of the commission to 2.1% for a total aggregate
9 brokerage commission equal to 4.5% of the gross sales price. The same terms shall
10 apply to the broker of any Successful Bidder or Back-Up-Buyer.

11 16. The Broker has continued to actively market the 2690 Property and seek
12 overbidders and has also posted the proposed overbid procedures on the MLS to
13 include the overbid amount and hearing date for the Motion and will make them available
14 to interested parties. I believe that the Broker has taken all steps feasible at this time to
15 ensure the proper marketing of the 2690 Property to interested parties.

16 I declare under penalty of perjury under the laws of the United States of America
17 that the foregoing is true and correct and that this declaration was executed November
18 15 2022 at Santa Barbara, California.

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21 Stan Tabler
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
16030 Ventura Blvd., Suite 470, Encino, CA 91436

A true and correct copy of the foregoing document entitled **DECLARATION OF STAN TABLER OF COMPASS CALIFORNIA IN SUPPORT OF CHAPTER 7 TRUSTEE'S MOTION FOR ENTRY OF ORDER: (1) AUTHORIZING THE SALE OF REAL PROPERTY LOCATED AT 2690 GIBRALTAR ROAD, SANTA BARBARA, CA 93105, FREE AND CLEAR OF LIENS AND INTERESTS; (2) APPROVING OVERBID PROCEDURES; (3) APPROVING PURCHASER, SUCCESSFUL BIDDER, AND BACK-UP BIDDER AS GOOD FAITH PURCHASERS; (4) AUTHORIZING PAYMENT OF UNDISPUTED LIENS, REAL ESTATE BROKER'S COMMISSION, AND ORDINARY COSTS OF SALE; AND (5) WAIVING THE 14 DAY STAY** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **November 15, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On **November 15, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

JUDGE: Hon. Deborah J. Saltzman, U.S. Bankruptcy Court, 255 E. Temple St., Ste. 1634, Los Angeles, CA 90012

DEBTOR: Charles L. Duff, P.O. Box 20003, Santa Barbara, CA 93120

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **November 15, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 15, 2022

Date

Helen Cardoza

Printed Name

/s/ Helen Cardoza

Signature

ADDITIONAL SERVICE INFORMATION:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

ATTORNEY FOR TRUSTEE: Samuel Mushegh Boyamian samuel@marguliesfaithlaw.com,
angela@marguliesfaithlaw.com, helen@marguliesfaithlaw.com, vicky@marguliesfaithlaw.com

ATTORNEY FOR INTERESTED PARTY: Paul R Burns paulburnslaw@gmail.com, paulburnslaw@hotmail.com

ATTORNEY FOR CREDITOR: Greg P Campbell ch11ecf@aldridgepite.com, gc@ecf.inforuptcy.com;
gcampbell@aldridgepite.com

TRUSTEE: Jeremy W. Faith (TR) Trustee@MarguliesFaithlaw.com,
C118@ecfcbis.com; Helen@MarguliesFaithLaw.com; leedowding@gmail.com

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ATTORNEY FOR CREDITOR: Arvind Nath Rawal arawal@aisinfo.com

FORMER ATTORNEY FOR DEBTOR: Jeremy H Rothstein jrothstein@gblawllp.com,
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ATTORNEY FOR TRUSTEE: Meghann A Triplett Meghann@MarguliesFaithlaw.com,
Helen@MarguliesFaithlaw.com; Angela@MarguliesFaithlaw.com; Vicky@MarguliesFaithlaw.com

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